

Message Text

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C O N F I D E N T I A L STATE 207435

E.O. 11652: GDS

TAGS: PARM, TECH, MNUC, ENRG

SUBJECT: CONVENTION ON PHYSICAL PROTECTION OF
NUCLEAR MATERIAL

REF: BUENOS AIRES 6281

FOLLOWING IS A REPEAT
STATE 018745
R 24L842Z JAN 78
FM SECSTATE WASHDC
SENT NEW DELHI, PARIS, STOCKHOLM, BOMBAY, OTTAWA, VIENNA

1. USG IS PREPARING FOR SECOND MEETING (APRIL 10-21, 1978)
ON PHYSICAL PROTECTION CONVENTION. REPORTS ON FIRST MTG
CONTAINED VIENNA 9681 (NOTAL), VIENNA 9898. ONE OF MOST
IMPORTANT ISSUES THAT MUST BE RESOLVED IS SCOPE OF CONVEN-
TION, AND WE HOPE TO MAKE SOME PROGRESS ON THIS ISSUE
BEFORE NEXT MEETING. FRANCE, SWEDEN AND INDIA WEREMOST
VOCAL IN SEEKING TO LIMIT SCOPE OF CONVENTION. THIS TELE-
GRAM REQUESTS YOU TO APPROACH THEM ON THIS SUBJECT.

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2. DRAFT CONVENTION (W;ICH IS A U.S. INITIATIVE) IS INTEN-
DED TO COVER CIVILIAN NUCLEAR MATERIAL IN USE, STORAGE,
AND TRANSIT. UNDER DRAFT, PARTIES WOULD AGREE TO (A) HAVE

ADEQUATE PHYSICAL PROTECTION DOMESTICALLY, (B) REQUIRE
SUCH PROTECTION DURING INTERNATIONAL TRANSPORT AS A CONDI-
TION OF IMPORT OR EXPORT, (C) ASSIST EACH OTHER IN

RECOVERY OF LOST MATERIAL, AND (D) ESTABLISH OFFENSES DEALING, E.G., WITH THEFT OF NUCLEAR MATERIAL, SOME OF THE OFFENSES TO BE SUBJECT TO EXTRADITION. FRANCE, SWEDEN AND INDIA ARGUED FOR LIMITING CONVENTION TO INTERNATIONAL TRANSPORT ONLY.

3. WE REQUEST YOU TO CONTACT APPROPRIATE HOST COUNTRY OFFICIALS TO REQUEST THEY SUPPORT BROAD SCOPE CONVENTION. YOU SHOULD MAKE FOLLOWING POINTS:

-- SINCE STOLEN NUCLEAR IAL COULD BE TAKEN ACROSS STATE LINES AND USED AGAINST A STATE OTHER THAN THE ONE IN WHICH IT WAS STOLEN, IT IS IN :AC; STATE'S INTEREST THAT OTHER STATES AGREE TO APPLY ADEQUAT: PHYSICAL PROTECTION DOMESTICALLY.

-- IT IS IMPORTANT TO ESTABLISH AN ASSISTANCE AND RECOVERY MECHANISM FOR ALL STOLEN CIVILIAN NUCLEAR MATERIALS WHETHER STOLEN DURING INTERNATIONAL TRANSIT OR STOLEN FROM A FACILITY IN ONE STATE AND TAKEN TO ANOTHER STATE.

-- DRAFT CONVENTION, IN DEALING WITH DOMESTIC PHYSICAL PROTECTION OBLIGATIONS, WOULD OBLIGATE EACH PARTY TO TAKE APPROPRIATE MEASURES TO PREVENT THE LOSS, THEFT, MISUSE OR DAMAGE TO NUCLEAR MATERIAL IN ITS TERRITORY OR CONFIDENTIAL

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UNDER ITS JURISDICTION OR CONTROL. IT REFERS TO INFCIRC 2,5/REV. 1 FOR GUIDANCE IN DESIGNING A PHYSICAL PROTECTION SYSTEM, BUT DOES NOT DICTATE SPECIFIC MEASURES TO BE TAKEN. THUS IT DOES NOT IMPINGE ON NATIONAL SOVEREIGNTY.

4. FOR PARIS AND STOCKHOLM: BOTH FRANCE AND SWEDEN SUBSCRIBE TO NUCLEAR SUPPLIER GUIDELINES. THEY HAVE THUS AGREED (A) THAT ALL NUCLEAR MATERIALS AND FACILITIES SHOULD BE PLACED UNDER EFFECTIVE PHYSICAL PROTECTION, AND (B) NOT TO EXPORT NUCLEAR MATERIALS UNLESS THE RECIPIENT COUNTRY AGREES TO SPECIFIED LEVELS OF PHYSICAL PROTECTION. POSITION TAKEN BY GOF AND GOS AT FIRST MEETING ON DRAFT CONVENTION DOES NOT SEEM CONSISTENT WITH THE SPIRIT OF THESE COMMITMENTS. YOU SHOULD INDICATE TO GOS AND GOF THAT WE WOULD HOPE THAT THEY WOULD JOIN IN TRANSLATING THESE POLITICAL COMMITMENTS IN GUIDELINES INTO BINDING LEGAL COMMITMENTS.

5. FOR NEW DELHI: WE ARE NOT CERTAIN WHETHER INDIAN REP

AT FIRST MEETING WAS UNDER INSTRUCTIONS AND THUS WHETHER HE EXPRESSED POSITION OF GOI. PERHAPS USEFUL POINT OF

CONTACT WOULD BE FOREIGN MINISTRY LEGAL ADVISER DIXIT.
YOU SHOULD STRESS THAT OBLIGATIONS IN CONVENTION DO NOT
ENCROACH ON NATIONAL SOVEREIGNTY. YOU MAY WISH TO
CONTACT SETHNA AND HIS STAFF TO STRESS USEFULNESS OF
COOPERATION ON PHYSICAL PROTECTION.

CHRISTOPHER

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